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BA 9/30/03

PATENT  
ATTORNEY DOCKET NO.: 040808-5058-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	Confirmation No. 7725
Osamu IKEDA	)	
	)	Group Art Unit: 2612
U.S. Patent Application No.: 09/002,349	)	
	)	Examiner: Rashawn N. Tillery
Filed: January 2, 1998	)	
	)	
CPA filed April 22, 2002	)	
	)	
For: ELECTRONIC CAMERA WITH	)	
SELF-EXPLANATION/DIAGNOSIS	)	
MODE	)	

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Arlington, VA 22202

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION**

In response to the Office Action dated March 13, 2003 (Paper No. 12), the period for response to which has been extended through September 15, 2003 (September 13, 2003 being a Saturday) by the request for a three-month extension of time and fee filed concurrently herewith, reconsideration of the rejections set forth in the outstanding Office Action are respectfully requested.

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**Summary of the Office Action**

In the Office Action dated March 13, 2003, claims 1, 2, 6-8, 10, 12, 13 and 22 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,978,016 to Lourette et al. (hereinafter "Lourette"). Claims 14, 15, 17-21 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lourette in view of U.S. Patent No. 4,316,656 to Ishibashi et al. (hereinafter "Ishibashi"). Claims 3-5, 9, 11 and 16 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

**Summary of the Response to the Office Action**

Applicant submits concurrently herewith verified translations of Japanese Patent Application Nos. 9-001866 and 9-010154 with respect to which the instant application claims the foreign priority. Applicant traverses the rejection of the claims and respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

**The Rejections under 35 U.S.C. §102(e) and §103(a)**

Claims 1, 2, 6-8, 10, 12, 13 and 22 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Lourette. Claims 14, 15, 17-21 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lourette in view of Ishibashi.

Applicant respectfully submits that Lourette should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102 or 35 U.S.C. § 103 for the following reasons.

On June 10, 1998, Applicant filed a Claim for Priority and Certified copies of Japanese Patent Application Nos. 9-001866 and 9-010154 in prior U.S. Application No. 09/002,349 of which the instant application is a Continuation Prosecution Application. The Priority Documents, Japanese Patent Application Nos. 9-001866 and 9-010154, were filed in Japan on January 9, 1997 and January 23, 1997, respectively. Pursuant to 37 C.F.R. § 1.55(a), Applicant submits concurrently herewith verified translations of Japanese Patent Application Nos. 9-001866 and 9-010154. The U.S. filing date of Lourette is February 20, 1997 which is after the priority dates to which this application is entitled. Accordingly, Applicant respectfully submits that Lourette should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102 or 35 U.S.C. § 103.

In view of the foregoing remarks, Applicant respectfully submits that the rejection of claims 1, 2, 6-8, 10, 12-15, 17-23 should be withdrawn for at least the reason that Lourette does not qualify as prior art against this application.

### **Conclusion**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

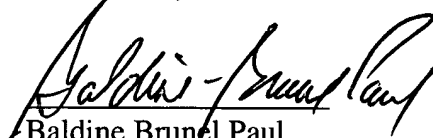
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: September 12, 2003

By:

  
Baldine Brunel Paul  
Reg. No. 54,369

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